

Big Darby Accord Advisory Panel

Minutes

MINUTES OF THE BIG DARBY ACCORD ADVISORY PANEL

Tuesday, November 13, 2018

The Big Darby Accord Panel convened in Meeting Room B on the 25th floor of the Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Tuesday, November 13, 2018.

Present were:

Ashley Hoye, Chairperson
John Bryner
Sheree Gossett-Johnson
Margaret Malone
John Tetzloff
Vincent Tremante
Steve Gordon

Franklin County Development Department members:

Matthew Brown, Planning Administrator

City of Columbus Planning Division members:

Luis Teba, Senior Planner

City of Hilliard Planning member:

John Talentino, City Planner

Chairperson Hoye opened the meeting.

The first order of business was the approval of the minutes from the October 9th, 2018 meeting.

Mr. Bryner made a motion to approve. Seconded by Mr. Hoye. The motion was approved by a six-to-zero vote.

NEW BUSINESS:

Mr. Hoye indicated that the next order of business was Case AP-18-03.

Big Darby Accord Advisory Panel

Minutes

Mr. Teba presented application AP-18-03.

Mr. Tremante indicated that he had previously had a hand in the development of this project. It has been ten years since he worked on the project, so he did not feel he needed to recuse himself.

Ms. Malone asked why the land held by Rec and Parks was being credited as open space to the developer.

Attorney Jeff Brown represented the applicant. He responded that the sale of the property was part of the original proposal presented to the Accord in 2008. The city approached the applicant to purchase the land.

Mr. Tetzloff asked what the city's plan was for the property.

Mr. Brown answered that the original proposal called for a rec center on that property when it was approved by the Board.

Mr. Teba added that the original proposal did call for a rec center on that property, and that the Board approved it under those conditions.

Mr. Brown stated that a rec center had already been built down the road, so it would not make sense to put another rec center in this locations.

Mr. Hoyer asked if it could be developed in the future. What guarantee did they have it couldn't be developed in the future?

Mr. Tetzloff wanted to know why it should be counted as open space if there was no guarantee it would remain that way.

Mr. Teba indicated that the board had already approved that aspect of the site plan, and that the City was returning to the board regarding the recent modifications.

Ms. Gossett-Johnson asked if the City would keep the land forever.

Mr. Teba answered that he was unsure, but that a good portion of the land was in the flood plain.

Ms. Malone asked if there was any language in the zoning text restricting development.

Big Darby Accord Advisory Panel

Minutes

Mr. Brown replied that there are no restrictions. The land is zoned R-Rural residential and they would have to come back before the panel for a rezoning.

Mr. Tetzloff asked if they could approve the development with a suggestion that the city not develop the land.

Mr. Teba indicated they could.

Mr. Tetzloff asked why some wetlands were being used for stormwater management.

Mr. John Maar represented the applicant with CT Consultants. He indicated that the reason was to avoid cutting off the existing wetlands from their existing watersheds. By clustering stormwater controls around the wetlands they could ensure they would stay wet. They are still working on final design, but they don't want to disturb the wetlands.

Ms. Malone asked if they were planning on treating the stormwater.

Mr. Maar indicated that they planned on treating it before it entered the wetland areas.

Mr. Hoye asked if they were aware of the flooding issues.

Mr. Maar answered that they were. Their proposal would be putting in more grasses and green infrastructure that would help delay peak flow, have a more extended drawdown time, etc.... They also would not be developing in the floodplain.

Mr. Tetzloff asked if the lower wetland has water regularly flowing through it.

Mr. Scott Ross with S&ME represented the applicant. He answered that the wetland in question had been isolated since the early 2000's.

Mr. Maar added that they planned to keep that sub watershed heading towards that wetland to keep it wet.

Mr. Tetzloff asked about the expected revenue.

Mr. Brown indicated that 75% of the revenue would go to environmental issues and 25% for infrastructure.

Mr. Tetzloff stated that they have not been generating a lot of money off of the developments.

Big Darby Accord Advisory Panel

Minutes

Ms. Malone asked for clarification of how the 50-foot setback from West Broad is being calculated.

Mr. Brown answered that the commercial outlots were counted as part of open space.

Mr. Gordon made a motion to approve the proposal with the condition that Columbus Recreation and Parks Department be advised to keep their portion of the property as open space, in order to be in compliance with the Big Darby Accord.

Ms. Gossett-John seconded the motion.

Mr. Tetzloff indicated that he did not like the fact that stormwater was being sent to the wetlands, but voted in favor.

Ms. Malone indicated that she did not like the fact that stormwater was being sent to the wetlands, but voted in favor.

Ms. Gossett-Johnson indicated that she did not like the fact that stormwater was being sent to the wetlands, but voted in favor.

The motion was approved 7-0.

Mr. Hoye asked if staff was ready for AP-18-04.

Mr. John Talentino presented AP-18-04 for the City of Hilliard.

Ms. Gossett-Johnson asked how many sewer taps they had.

Mr. Talentino replied that they had 439, but explained that it depended on how Columbus calculated a townhouse. It also depended on how Columbus calculated the commercial areas.

Ms. Malone asked how many acres were in the stream area.

Mr. Talentino replied that there were 50.

Attorney Glen Dugger with Smith & Hale was represented the applicant Dwight McCabe. He gave a brief overview of the proposal.

Big Darby Accord Advisory Panel

Minutes

Mr. Dwight McCabe gave a more in depth overview of the proposal.

Mr. Tetzloff asked what village center Mr. McCabe was talking about.

Mr. McCabe replied that there was a Village Center, a multiuse type of location with a density of 5-8 units per acre. He was not referring to the Town Center.

Ms. Malone asked if it was on the site.

Mr. McCabe replied that it was adjacent to his site.

Mr. Tetzloff asked if it was Hilliard's intention to move the mixed use area to this site.

Mr. Talentino indicated that it was not.

Mr. McCabe said that Hilliard made the case that it should be there. It's in their comprehensive plan.

Mr. Tetzloff stated that it was Tier 1 open space.

Mr. McCabe replied that just because it is Tier 1 does not mean you cannot build on it.

Ms. Malone stated that you can't count it as open space and build anything on it.

Mr. Talentino argued that once the stream restoration took place, then it would no longer be floodplain nor Tier 1 land.

Mr. McCabe referenced section 4.6 to argue that Tier land could be developed upon.

Mr. Tetzloff asked what the white arrows were on the map.

Mr. McCabe answered that those were natural linkages.

Mr. Hoye indicated that there was a stream along the route of the arrow.

Mr. Tremante asked if it was a regulated feature of the Army Corps.

Mr. McCabe replied that he did not think it was.

Mr. Tetzloff asked if it would be protected by the EPA and Darby setbacks.

Big Darby Accord Advisory Panel

Minutes

Mr. McCabe replied that they would.

Mr. Tremante stated that he was concerned that they did not receive the documents ahead of time, and now they appeared that they may not be accurate.

Ms. Malone asked about sheet BDA7 and BDA8 and what would happen to the Tier 1 land. It appeared to be slated for commercial development.

Mr. McCabe answered that the maps did not reflect existing conditions. There are other areas of the proposal that offset the groundwater recharge at that location.

Mr. Miller added that without including stream restoration they are in excess of the EPA and Big Darby requirements.

Mr. Tremante indicated that these were Kokomo soils, which are not good for infiltration.

Mr. Tetzloff stated that it is considered Tier 1 land because it is in the floodplain.

Mr. McCabe replied that it was not floodplain.

Mr. Tetzloff replied that a certain part of it had been filled.

Mr. Brown stated that the whole area was floodplain within the red lines on the map.

Mr. Talentino stated that if the map was done after the stream restoration took place, that the area would no longer be Tier 1.

Mr. Tetzloff replied that he would not have a problem with the land no longer being Tier 1, but they have not been presented that information.

Mr. Tetzloff added that he was concerned about the waiver to density and the added commercial which the plan calls for on the other side of the street.

Mr. McCabe replied that the plan allows provisions and upgrades to get to 1.3 du/acre

Mr. Talentino added that it was consistent with Hilliard's comp plan.

Mr. Tetzloff replied that they weren't recommending off of Hilliard's plan.

Big Darby Accord Advisory Panel

Minutes

Ms. Malone asked if the pathways were paved.

Mr. McCabe replied that they were not paved through the conservation area.

Mr. McCabe presented emails from the EPA supporting his project.

Ms. Malone asked what role he played in the stream restoration project.

Mr. McCabe indicated that he would have to pay for that project when he purchased the property.

Mr. Tremante stated that he liked the layout and philosophy of the development. It is a nice development, but they need more information on the floodplain delineation, and how much will be filled in. They would also need to know the limits of any tributary being filled in, and a better rationale for developing Tier 1 land. They also need more clarity on the role the large ponds are playing in the stormwater system.

Mr. Tetzloff stated that they needed to make a case that the open space that they are creating is as valuable ecologically to water quality as what is being removed.

Mr. Gordon stated that they needed to make very clear what the trade-off is for the Tier 1 land being removed. They need to document that for the panel.

Mr. Tremante made a motion to table the proposal until the December 11th meeting.

Ms. Malone seconded the motion.

Motion passed 7-0.